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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,680	01/04/2002	Theodore F. Emerson	COMP:0228 P00-3578	8297

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Intellectual Property Administration  
Legal Department, M/S 35  
P.O. Box 272400  
Ft.. Collins, CO 80527-2400

EXAMINER

NGUYEN, THU HA T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/037,680

Applicant(s)

EMERSON ET AL.

Examiner

Thu Ha T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/4/02-04/15/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6-10, 12-20 is/are rejected.
- 7) ☐ Claim(s) 2, 4-5, 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/15/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims **1-20** are presented for examination.

### **Claim Objections**

2. Claims 1, 3, 10, 12-14 are objected to because of the following informalities:

Claims 1, and 10 recited the word "IOP" which is abbreviation. Applicant is requested to write "IOP" in the complete form. Likewise, applicant is required to make the same correction for other dependent claims. Appropriate correction is required.

Claim 3, which is depended on claim 1, recited the limitation "the plurality of registers". There is insufficient antecedent basis for this limitation in this claim. Appropriate correction is required.

Claims 12-14, which is depended on claim 10, recited the limitation "the plurality of registers". There is lack of antecedent basis for this limitation in these claims. Appropriate correction is required.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 6-10, and 12-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Crump et al.** (hereinafter Crump) U.S. Patent No. **5,752,044**, in view of **Fasack et al.** (hereinafter Fasack) U.S. Patent No. **4,823,290**.

5. As to claim 1, **Crump** teaches the invention as claimed, including a remote server management controller, comprising:

an IOP that is adapted to communicate with a managed server via a communication interface (col. 6, line 58-col. 8, line 15);

a failsafe register that is adapted to receive an IOP reset request via the communication interface (col. 39, line 36-col. 40, line 32, col. 41, line 49-col. 42, line 9);

a failsafe boot timer adapted to initiate a countdown when the failsafe register receives an IOP reset request (col. 26, line 28-62, col. 27, line 10-col. 28, line 60, col. 30, lines 7-28, col. 31, line 32-col. 32, line 15).

However, **Crump** does not explicitly teach wherein the IOP is adapted to be placed in a reset condition if the IOP does not clear the IOP reset request from the failsafe register and disable the failsafe boot timer before the countdown expires.

**Fasack** teaches wherein the IOP is adapted to be placed in a reset condition if the IOP does not clear the IOP reset request from the failsafe register and disable the failsafe boot timer before the countdown expires (col. 17, lines 7-47).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to incorporate the feature of the IOP is adapted to be placed in a reset condition if the IOP does not clear the IOP reset request from the

failsafe register and disable the failsafe boot timer before the countdown expires, as disclosed by **Fasack**, into **Crump** system because it provide an efficient system for monitoring the environment in the computer system operations to provide early warning of environment conditions (see Fasack col. 1, lines 7-13).

6. As to claim 3, **Crump** teaches the remote server management controller of claim 1 wherein the IOP is adapted to execute an initialization sequence and to place the plurality of registers in the locked condition as part of the initialization sequence (col. 22, lines 4-21, col. 30, lines 6-28, col. 31, line 66-col. 32, line 11).

7. As to claim 6, **Crump** teaches the remote server management controller of claim 1 wherein the IOP is adapted to decline the IOP reset request (col. 48, line 57-col. 49, line 25).

8. As to claim 7, **Crump** teaches the remote server management controller of claim 1 wherein the communication interface is a PCI bus (col. 7, line 50-col. 8, line 5).

9. As to claim 8, **Crump** teaches the remote server management controller of claim 1 wherein cycles received via the communication interface are retried until the IOP completes an initialization sequence (col. 22, lines 4-21, col. 30, lines 6-28, col. 31, line 66-col. 32, line 11).

10. As to claim 9, **Crump** teaches the remote server management controller of claim 1 wherein cycles received via the communication interface are retried until the IOP is placed in a reset state upon expiration of the failsafe boot timer (col. 26, line 28-62, col. 27, line 10-col. 28, line 60, col. 30, lines 7-28, col. 31, line 32-col. 32, line 15).

11. As to claim 10, **Crump** teaches the invention as claimed, including a managed server, comprising:

- a communication interface (col. 7, line 50-col. 8, line 5);

- a device adapted to communicate via the communication interface (figure 3, col. 6, line 34-col. 8, line 15);

- a remote server management controller, comprising:

- an IOP that is adapted to communicate via the communication interface (col. 6, line 58-col. 8, line 15);

- a failsafe register that is adapted to receive an IOP reset request via the communication interface (col. 39, line 36-col. 40, line 32, col. 41, line 49-col. 42, line 9);

- a failsafe boot timer adapted to initiate a countdown when the failsafe register receives an IOP reset request (col. 26, line 28-62, col. 27, line 10-col. 28, line 60, col. 30, lines 7-28, col. 31, line 32-col. 32, line 15); and

However, **Crump** does not explicitly teach wherein the IOP is adapted to be placed in a reset condition if the IOP does not clear the IOP reset request from the failsafe register and disable the failsafe boot timer before the countdown expires.

**Fasack** teaches wherein the IOP is adapted to be placed in a reset condition if the IOP does not clear the IOP reset request from the failsafe register and disable the failsafe boot timer before the countdown expires (col. 17, lines 7-47).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to incorporate the feature of the IOP is adapted to be placed in a reset condition if the IOP does not clear the IOP reset request from the failsafe register and disable the failsafe boot timer before the countdown expires, as disclosed by **Fasack**, into **Crump** system because it provide an efficient system for monitoring the environment in the computer system operations to provide early warning of environment conditions (see Fasack col. 1, lines 7-13).

12. As to claim 12, **rump** teaches the managed server of claim 10 wherein the IOP is adapted to execute an initialization sequence and to place the plurality of registers in the locked condition as part of the initialization sequence (col. 22, lines 4-21, col. 30, lines 6-28, col. 31, line 66-col. 32, line 11).

13. As to claim 13, **Crump** teaches the managed server of claim 10 wherein at least one of the plurality of registers is placed in the locked condition unless the managed server is operating in a system management mode (col. 22, lines 4-21, col. 30, lines 6-28, col. 31, line 66-col. 32, line 11).

14. As to claim 14, **Crump** teaches the managed server of claim 10 wherein the IOP is adapted to grant permission to access at least one of the plurality of registers (col. 26, line 28-62, col. 27, line 10-col. 28, line 60, col. 30, lines 7-28, col. 31, line 32-col. 32, line 15).

15. As to claim 15, **Crump** teaches the managed server of claim 10 wherein the IOP is adapted to decline the IOP reset request (col. 48, line 57-col. 49, line 25).

16. As to claim 16, **Crump** teaches the managed server of claim 10 wherein the communication interface is a PCI bus (col. 7, line 50-col. 8, line 5).

17. As to claim 17, **Crump** teaches the managed server of claim 10 wherein cycles received via the communication interface are retried until the IOP completes an initialization sequence (col. 22, lines 4-21, col. 30, lines 6-28, col. 31, line 66-col. 32, line 11).

18. As to claim 18, **Crump** teaches the invention as claimed, including a method of authorizing access to a register, comprising the acts of:

receiving a reset request via a failsafe register (col. 39, line 36-col. 40, line 32, col. 41, line 49-col. 42, line 9);



initiating a countdown of predetermined duration in response to the reset request (col. 26, line 28-62, col. 27, line 10-col. 28, line 60, col. 30, lines 7-28, col. 31, line 32-col. 32, line 15);

permitting access to the register if the reset request is not cleared and the countdown is not halted before expiration of the predetermined duration ().

However, **Crump** does not explicitly teach the feature of permitting access to the register if the reset request is not cleared and the countdown is not halted before expiration of the predetermined duration:

**Fasack** teaches permitting access to the register if the reset request is not cleared and the countdown is not halted before expiration of the predetermined duration (col. 17, lines 7-47).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to incorporate the feature of permitting access to the register if the reset request is not cleared and the countdown is not halted before expiration of the predetermined duration, as disclosed by **Fasack**, into **Crump** system because it provide an efficient system for monitoring the environment in the computer system operations to provide early warning of environment conditions (see Fasack col. 1, lines 7-13).

19. As to claim 19, **Crump** teaches the method of claim 18 further comprising the act of denying access to the register (col. 48, line 57-col. 49, line 25).

20. As to claim 20, **Crump** teaches the method of claim 18 wherein the act of denying access to the register is performed as part of an initialization process (col. 48, line 57-col. 49, line 25).

### **Allowable Subject Matter**

Claims 2, 4-5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sutherland et al. (USPN 2003/0177216), discloses system and method for isolation technique for networks.

Crump et al. (USPN 5,560,023) discloses system and method for automatic backup system for advanced power management.

Pecore (USPN 5,860,028) discloses I/O bus expansion system wherein processor checks plurality of possible address until a response from peripheral selected by address decoder using user input.

Horst et al. (USPN 6,496,940) discloses multiple processor system with standby sparing.

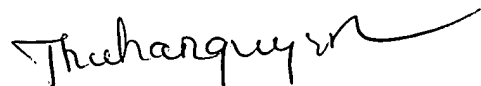
Byers et al. (USPN 5,781,770) discloses system and method for controlling shutdown of a processing unit.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ThuHa Nguyen  
Patent Examiner

December 12, 2005